

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FRANCES ROSADO,
Plaintiff,

v.

MAJID ASHABJELADERANI AND
LYFT,
Defendants.

§
§
§
§
§
§
§

Civil Action No. 3:21-cv-2532

DEFENDANT LYFT, INC.'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(a), 1441(b), and 1446, as well as Rule 81.1 of the Local Civil Rules ("Local Rule 81.1") of the United States District Court for the Northern District of Texas, Defendant Lyft, Inc. ("Lyft") files this Notice of Removal.

FACTUAL AND PROCEDURAL BACKGROUND

1. On August 31, 2021, Plaintiff Frances Rosado filed Plaintiff's Original Petition ("Petition") against Lyft in a civil action styled *Frances Rosado vs. Majid Ashabjeladerani and Lyft*; Cause No. DC-21-12112; in the 134th District Court, Dallas County, Texas ("State Court Action"). [See generally Pl. Orig. Pet.]

2. The Petition alleges Plaintiff is a New Jersey resident. [*Id.* at ¶ 2.01]

3. The Petition further alleges Defendant Majid Ashabjeladerani is a resident of Collin County, Texas. [*Id.* at ¶ 2.02]

4. Last, the Petition alleges "Lyft is a Delaware corporation." [*Id.* at ¶ 2.03]

5. Lyft is indeed incorporated in the State of Delaware with its principal place of business in the State of California. Lyft's incorporation date with the Delaware

Division of Corporations was March 5, 2007, and its file number is 4311245. This information is readily available at the following website for the Delaware Division of Corporations: <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx>.

6. The amount in controversy stated in the Petition exceeds \$75,000. [Pl. Orig. Pet. at ¶ 6.03] Plaintiff explicitly pleads damages between \$200,000 and \$1,000,000. [*Id.*]

BASIS FOR REMOVAL

7. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441 because it is an action between citizens of different states or countries wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

A. Complete Diversity of Citizenship

8. Plaintiff is a citizen of New Jersey. [*Id.* at ¶ 2.01]

9. Defendant Majid Ashabjeladerani is a Texas resident who has not been served with the Petition in the State Court Action. [*Id.* at ¶ 2.02; Court Docket Sheet]

10. Defendant Lyft, Inc. is a corporation organized under the laws of the State of Delaware, and Lyft's principal place of business is California. *See supra* ¶ 5.

11. Thus, pursuant to 28 U.S.C. § 1332, complete diversity of citizenship exists between Plaintiff and all Defendants.

B. Amount in Controversy Requirement Satisfied

12. The amount in controversy exceeds \$75,000 by Plaintiff's express damages request in the Petition. [Pl. Orig. Pet. at ¶ 6.03]

C. Notice of Removal Timely Filed

13. The start of the 30-day period to remove this lawsuit under 28 U.S.C. § 1446(b)(3) has not yet been triggered because Lyft has not yet been served with the Petition in the State Court Action. [See Court Docket Sheet] Accordingly, this Notice of Removal is timely filed.

CONCLUSION

14. Pursuant to 28 U.S.C. §§ 1332(a), 1441(b), and 1446, and Local Rule 81.1, removal of the State Court Action is proper. Venue is proper for removal to this district pursuant to 28 U.S.C. § 1441(a) because this district and division embrace the place in which the State Court Action is pending.

15. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81.1, copies of all process, pleadings, and orders filed in the State Court Action as of this date, and a copy of the state court's docket sheet, are contained in the Index of Documents, which is attached hereto as Exhibit "A" and filed contemporaneously with this Notice of Removal.

16. Promptly after the filing of this Notice of Removal, Lyft shall give written notice of the removal to Plaintiff through her attorney of record and to the clerk of the state court as required by 28 U.S.C. § 1446(d).

17. Lyft reserves all defenses to the claims alleged by Plaintiff.

WHEREFORE, Defendant Lyft, Inc. respectfully prays that the State Court Action currently pending as *Frances Rosado vs. Majid Ashabjeladerani and Lyft*; Cause No. DC-21-12112; in the 134th District Court, Dallas County, Texas, be removed to this Federal District Court and that this Court accept jurisdiction of this action. Lyft further prays that this Court place this action on its docket for further proceedings as though it had

originated in this Court, that this Court issue all necessary orders, and for such other and further relief to which it may show itself entitled.

Respectfully submitted,



Bryan D. Pollard
State Bar No. 00795592
bryan.pollard@fisherbroyles.com
Telephone: (214) 984-7153
Katie M. Ackels
State Bar No. 24078948
katie.ackels@fisherbroyles.com
Telephone: (469) 372-6484
FISHERBROYLES, LLP
4514 Cole Avenue, Suite 600
Dallas, Texas 75205
Facsimile: (214) 279-7192

**ATTORNEYS FOR DEFENDANT
LYFT, INC.**

CERTIFICATE OF SERVICE

On October 14 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by the Federal Rules of Civil Procedure.



Katie M. Ackels